## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COOKEVILLE DIVISION

CRISTEL WARD,	)
	)
Plaintiff,	)
	)
<b>v.</b>	) NO. 2:17-cv-0047
	) CHIEF JUDGE CRENSHAW
SHERIFF ODDIE SHOUPE, DONNA	)
DANIELS, SAM BENNINGFIELD	)
and WHITE COUNTY, TN,	)
	)
Defendants.	)

## **ORDER**

Pending before the Court is Defendants' Motion for Partial Judgment on the Pleadings (Doc. No. 31), to which no opposition has been timely filed. Although the Motion represents that it is accompanied by a Memorandum, no Memorandum has been filed.

This action is related to three other cases against these Defendants: <u>Sullivan v. Benningfield</u>, No. 2:17-cv-0052; <u>Garrett v. Shoupe</u>, 2:17-cv-0059; and <u>Stall v. Shoupe</u>, No. 2:17-cv-0060.<sup>1</sup> Plaintiff alleges that Defendants violated her constitutional rights by impermissibly coercing her to have a Nexplanon surgical birth control implant procedure in exchange for jail time reduction. She seeks monetary damages, injunctive relief (to have the implants removed at no cost), declaratory relief (to declare this practice unconstitutional), punitive damages and attorneys' fees.

Since the filing of this action, on May 1, 2018, Tennessee Governor Bill Haslam signed into law Senate Bill 2133, which expressly forbids conditioning the length of any criminal sentence on

The Court dismissed <u>Sullivan</u> and <u>Stall</u>, and the plaintiffs in <u>Sullivan</u> have appealed the dismissal. Defendants have appealed the Court's decision in <u>Garrett</u>.

an inmate submitting to any form of temporary or permanent birth control, sterilization or family

planning services. Therefore, the misconduct alleged in the Complaint is now illegal by statute.

The Court recently analyzed these issues in the related case of <u>Garrett v. Shoupe</u>, Case No.

2:17-cv-0059. In Garrett, as here, the Plaintiffs actually received the Nexplanon implant. For the

reasons stated in the Court's Memorandum Opinion and Order in Garrett at Docket Nos. 46 and 47,

Defendants' Motion is **GRANTED** in part, and partial judgment is entered dismissing all claims

against Defendant Benningfield and dismissing Plaintiff's claim for declaratory relief. The Court

did not make a decision on injunctive relief in Garrett. Here, Defendants have not filed a

Memorandum or any argument or authority concerning dismissal of the claim for injunctive relief.

That portion of the Motion is **DENIED**.

IT IS SO ORDERED.

WAVERLY D. CRENSHAW, JR

CHIEF UNITED STATES DISTRICT JUDGE

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